

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:) Case No. 13-41072-659
STEPHANIE G. DITTMAIER,) Honorable Kathy A. Surratt-States
Debtor.) Chapter 7
)
) **MOTION TO COMPEL TURNOVER**
)
) Hearing Date: February 24, 2014
) Hearing Time: 10:00 a.m.

MOTION TO COMPEL TURNOVER

COMES NOW David A. Sosne, duly appointed Chapter 7 Trustee herein, and for his Motion to Compel Turnover (“Motion”), respectfully states to this Honorable Court as follows:

1. This Court has jurisdiction over the subject matter of these proceedings pursuant to 28 U.S.C. §§ 1334, 151 and 157, and Local Rule 9.01 of the United States District Court, Eastern District of Missouri.

2. This is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (E) and (O), which the Court may hear and determine.

3. On or about February 12, 2013, Stephanie G. Dittmaier (“Debtor”) filed her Voluntary Petition for relief pursuant to Chapter 13 of the United States Bankruptcy Code (the “Petition Date”).

4. On or about April 10, 2013, Debtor converted her Chapter 13 case to a Chapter 7, which is presently pending in this judicial district as Case No. 13-41072-659.

5. David A. Sosne (“Trustee”) is the duly appointed and acting Chapter 7 Trustee for the Debtor’s bankruptcy estate.

6. Pursuant to 11 U.S.C. § 521, 11 U.S.C. § 542 and Rule 4002 of the Federal Rules of Bankruptcy Procedure, Debtor is obligated to cooperate with Trustee in the administration of

the estate and to surrender to Trustee all property of the estate, including assets, documents, papers, records and information relating to the property of the estate.

7. By correspondence dated December 10, 2013, Trustee requested turnover of \$7,868.03, a sum equal to the pre-petition balance on Debtor's pre-paid debit card. By correspondence dated December 24, 2013, Trustee requested a copy of Debtor's 2012 federal and state tax returns.

8. To date, Debtor has not complied with Trustee's requests.

WHEREFORE, Trustee respectfully requests that this Honorable Court enter an Order compelling Debtor to turnover, within seven (7) days after entry of an Order approving this Motion: (i) \$7,868.03, a sum equal to the estate's non-exempt pro rata share of Debtor's 2013 federal and state tax refunds; (ii) a copy of Debtor's 2012 federal and state tax returns; and (iii) for any other and further relief as is proper.

Respectfully Submitted,
SUMMERS COMPTON WELLS LLC

Date: January 21, 2014

By: /s/ Brian J. LaFlamme
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri to the parties requesting service by electronic filing. I hereby also certify that a copy of the foregoing was served via United States Mail, first class postage prepaid, on the date of the electronic filing of this document to those individuals and entities not requesting service by electronic filing. The individuals and entities being served electronically or by mail are:

United States Trustee
United States Department of Justice
111 South Tenth Street, Suite 6353
St. Louis, MO 63102

Angela Redden-Jansen
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Maplewood, MO 63143

Stephanie G. Dittmaier
3361 Bayvue Blvd.
Arnold, MO 63010

Chase
PO Box 24696
Columbus, OH 43224

Credit Acceptance
25505 West 12 Mile Road
Southfield, MI 48034

Millsap & Singer, LLC
612 Spirit Drive
St. Louis, MO 63005

Date: January 21, 2014

/s/ Marquita Monroe